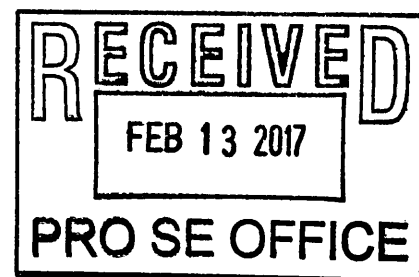


COMMON LAW NOTICE**CLAIM OF LIEN OBLIGATION & AFFIDAVIT OF TRUTH AND FACT**

Tracking Number : AICS20170213G – This is a security

STATE of New York**COUNTY of Kings****Affiant/Demandant/Lienor: Eric Hawkes Richmond**A Sovereign, American citizen
on the land at common law.**Respondent/Lienee: William Francis Kuntz**

STATE OF NEW YORK

COUNTY OF KINGS ss.:

DOCKET & FILE

16 MC 2014

AFFIDAVIT OF TRUTH & FACT

Notice is hereby given that failure or refusal to contest this AFFIDAVIT OF TRUTH & FACT within thirty (30) days on a point-for-point basis shall be construed as constructive silence and concealment of incriminating evidence and shall create the legal presumption that the un-addressed below listed points are settled facts. A failure to contest the facts below with a sworn affidavit of truth addressing each and every point in AFFIDAVIT OF TRUTH & FACT means you agree with the un-addressed facts and points as set forth and with the obligations described.

IMPORTANT NOTICE

Receipt of this AFFIDAVIT OF TRUTH & FACT requires a response as stipulated above. Acquiescence will be your answer to all below statements if you fail or refuse to provide a written response in the form of a rebuttal sworn Affidavit under penalty of perjury. Mere denial of the facts below is not enough to rebut the points and facts outlined below. Documentary evidence and sworn testimony are required to rebut each and every point denied.

All men and women know that the foundation of law and commerce exists in the telling of the truth, the whole truth, and nothing but the truth.

All corporate government is based upon Commercial Affidavits, Commercial Contracts, Commercial Liens and Commercial Distresses, hence, governments cannot exercise the power to expunge commercial processes.

Notice to agent is notice to principal and notice to principal is notice to agent.

Acquiescence means "A person's tacit or passive acceptance; implied consent to an act."

Review **Morris vs. NCR, 44 SW2d 433** which states: "An Affidavit if not contested in a timely manner is considered undisputed facts as a matter of law."

Also, review **U.S. vs. Pruden, 424 F.2d 1021 (1970)** which states: "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading..."

MAXIMS OF COMMERCIAL LAW

1. A WORKMAN IS WORTHY OF HIS HIRE. Legal maxim: "It is against equity for freemen not to have the free disposal of their own property."

2. ALL ARE EQUAL UNDER THE LAW. "Equality before the law". "No one is above the law". This is founded on both Natural and Moral law and is binding on everyone. For someone to say, or act as though, he is "above the law" is insane. This is the major insanity in the world today. Man continues to live, act, believe, and form systems, organizations, governments, laws and processes which presume to be able to supercede or abrogate Natural or Moral Law. But, under commercial law, Natural and Moral Law are binding on everyone, and no one can escape it. Commerce, by the law of nations, ought to be common, and not to be converted into a monopoly and the private gain of the few.

3. IN COMMERCE, TRUTH IS SOVEREIGN This one is one of the most comforting maxims one could have, your foundation for your peace-of-mind and your security and your capacity to win and triumph – to get your remedy – in this business. Truth is sovereign – and the Sovereign tells only the truth. *Your word is your bond*. If truth were not sovereign in commerce, i.e., all human action and inter-relations, there would be no basis for anything. No basis for law and order,

no basis no accountability, there would be no standards, no capacity to resolve anything. It would mean "anything goes", "each man for himself", and "nothing matters". That's worse than the law of the jungle. Commerce. "To lie is to go against the mind". Oriental proverb: "Of all that is good, sublimity is supreme."

4. TRUTH IS EXPRESSED IN THE FORM OF AN AFFIDAVIT. An affidavit is your solemn expression of your truth. In commerce, an affidavit must be accompanied and must underlay and form the foundation for any commercial transaction whatsoever. There can be no valid commercial transaction without someone putting their neck on the line and stating, "this is true, correct, complete and not meant to mislead." An affidavit is a two edged sword; it cuts both ways. Someone has to take responsibility for saying that it is a real situation. It can be called a true bill, as they say in the Grand Jury. When you issue an affidavit in commerce you get the power of an affidavit. You also incur the liability, because this has to be a situation where other people might be adversely affected by it. Things change by your affidavit, which are going to affect people's lives. If what you say in your affidavit is, in fact, not true, then those who are adversely affected can come back at you with justifiable recourse because you lied. You have told a lie as if it were the truth. People depend on your affidavit and then they have lost because you lied.

5. AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE. Claims made in your affidavit, if not rebutted, emerge as the truth of the matter. Legal Maxim: "He who does not deny, admits."

6. AN UNREBUTTED AFFIDAVIT BECOMES THE JUDGMENT IN COMMERCE. There is nothing left to resolve. Any proceeding in a court, tribunal, or arbitration forum consists of a contest, or duel, of commercial affidavits wherein the points remaining unrebutted in the end stand as truth and matters to which the judgment of the law is applied.

7. IN COMMERCE FOR ANY MATTER TO BE RESOLVED, IT MUST BE EXPRESSED.

No one is a mind reader. You have to put your position out there, you have to state what the issue is, to have someone to talk about and resolve. Legal Maxim: "He who fails to assert his rights has none.

8. HE WHO LEAVES THE BATTLEFIELD FIRST LOSES BY DEFAULT. This means that an affidavit which is unrebutted point for point stands as "truth in commerce" because it hasn't been rebutted and has left the battlefield. Governments allegedly exists to resolve disputes, conflicts and truth. Governments allegedly exist to be substitutes for the dueling field and the battlefield for such disputes, conflicts of affidavits of truth are resolved peaceably and reasonably instead of by violence. So people can take their disputes into court and have them all opened up and resolved, instead of going out and marching ten paces and turning to kill or injure. Legal Maxim: "He who does not repel a wrong when he can, occasions it".

9. SACRIFICE IS THE MEASURE OF CREDIBILITY. Nothing ventured nothing gained. A person must put himself on the line, assume a position, take a stand, as regards the matter at hand. One cannot realize the potential gain without also exposing himself to the potential of loss for the truth of his statements and legitimacy of his actions has no basis to assert claims or charges and forfeits all credibility and right. Legal Maxim: "He who bears the burden ought also to derive the benefit".

10. A LIEN OR CLAIM CAN BE SATISFIED ONLY THROUGH REBUTTABLE BY AFFIDAVIT POINT BY POINT, RESOLUTION BY JURY, OR PAYMENT. In commerce a lien or claim can be satisfied in any one of three ways:

(A) By someone rebutting your affidavit, with another affidavit of his own, point by point, until the matter is resolved as to whose is correct, in case of non-resolution.

(B) You convene a Sheriff's common law jury, based on the Seventh Amendment, concerning a dispute involving a claim of more than \$20. Or, you can use three

disinterested parties to make judgment.

(C) Agreement.

(D) The only other way to satisfy a lien is to pay it.

Legal Maxim: "if the plaintiff does not prove his case, the defendant is absolved".

Eric Hawkes Richmond being duly sworn deposes and says:

1. I have full knowledge of all facts and statements set forth below.
2. I am a man, free born and of lawful age.
3. I swear the facts below to be true under penalty of perjury.
4. William Francis Kuntz is an attorney licensed in New York State.
5. William Francis Kuntz is bound by his Attorney's Oath of Office as found in § 1 of Article XIII of the New York State Constitution, as follows:

I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of [attorney and counselor-at-law], according to the best of my ability.

6. William Francis Kuntz is an Article III Judge in the Eastern District of New York.
7. William Francis Kuntz is bound by Judge's Oath as follows:

28 U.S. Code § 453 - Oaths of justices and judges

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, __ __, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as __ under the Constitution and laws of the United States. So help me God."

8. William Francis Kuntz was, and has been at all times until the date of this Affidavit of Truth, the Article III Judge in case Number 15-cv-00447-WFK in the Eastern District of New York.
9. The docket is attached as Exhibit A showing the dates and times of the filings of the parties and the court.
10. A motion labelled "Letter Motion to Reassign case" was filed as Docket Number 3 on February 26, 2015.
11. That motion was denied on the same day without any written decision without any Docket Number.
12. The exact same motion as Docket Number 2 was refiled as Docket Number 5 on March 4, 2015 but was labelled this time as a request to treat the cases as related.
13. This request was neither reassigned as per the label on first request nor treated as relate as per the label on the second request.
14. The case (14-cv-00447) was dismissed on March 4, 2015.
15. The case was dismissed without request to dismiss the case by any party or notice of intent to dismiss the case by the court or by any party on the same day as the filing of the request.
16. The case was dismissed without a docket number or written decision.
17. Judge William Francis Kuntz failed to provide either notice or opportunity to be heard or a written decision in the dismissal of Eastern District of New York Case Number 15-cv-00447-WFK.
18. The failures to provide notice or opportunity to be heard are violations of due process.
19. The failure to provide a written decision in the dismissal of Eastern District of New York Case Number 15-cv-00447-WFK was a failure of due process.

20. The failures to provide due process are violations of William Francis Kuntz's Attorney's Oath of Office.
21. The failures to provide due process are violations of William Francis Kuntz's Judge's Oath.
22. For the violations of due process Affiant is damaged in the amount of \$25,000,000.
23. William Francis Kuntz has 30 days from the date of service of this document on his agent(s) to either compensate Eric Hawkes Richmond in full (\$25,000,000), vacate the dismissal of the Eastern District of New York Case Number 15-cv-00447-WFK dated February 26, 2015 or provide sworn affidavit and evidence which rebuts the above statements of fact item by item with documentary evidence.


Eric Hawkes Richmond, the Affiant, does hereby confirm and affirm that all facts stated herein are true, correct, complete to the best of my knowledge, not misleading, admissible as evidence, and are signed under the penalty of perjury.

Date: Feb 13, 2017

BY: 
Eric Hawkes Richmond

Sworn to before me
this 13 day of February, 2017

2107 Regent Place
Brooklyn, NY 11226
gowanusx@gmail.com
(646) 256-9613


KAMAL P. SONI
Notary Public, State of New York
No. 01SO6089949
Qualified in Kings County
Commission Expires March 31, 2019

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:15-cv-00447-WFK**

Richmond et al v. P.B. #7, LLC
Assigned to: Judge William F. Kuntz, II
Case in other court: BK, 1-14-41678
Cause: 28:1334 Bankruptcy Appeal

Date Filed: 01/29/2015
Date Terminated: 03/04/2015
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal (801)
Jurisdiction: Federal Question

Appellant**Eric H. Richmond**

represented by **Eric H. Richmond**
227 4th Avenue
Brooklyn, NY 11215
2nd Address:
2107 Regent Place
Brooklyn, NY 11226
646-256-9613
PRO SE

V.

Appellee**P.B. #7, LLC**

represented by **Glenn P. Warmuth**
Stim & Warmuth, P.C.
2 Eighth Street
Farmingville, NY 11738
631-732-2000
Fax: 631-732-2662
Email: glenn.warmuth@stim-warmuth.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Debtor**Eric H. Richmond**

represented by **Eric H. Richmond**
(See above for address)
PRO SE

Date Filed	#	Docket Text
01/29/2015	<u>1</u>	Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 1-14-41678. File received, filed by Eric H. Richmond. (Attachments: # <u>1</u> 149-1, # <u>2</u> 8, # <u>3</u> 9, # <u>4</u> 9-1, # <u>5</u> 9-2, # <u>6</u> 9-3, # <u>7</u> 9-4, # <u>8</u> 9-5, # <u>9</u> 9-6, # <u>10</u> 9-7, # <u>11</u> 15, # <u>12</u> 15-1, # <u>13</u> 16, # <u>14</u> 22, # <u>15</u> 30, # <u>16</u> 30-1, # <u>17</u> 55, # <u>18</u> 56, # <u>19</u> 61, # <u>20</u> 61-1, # <u>21</u> 62, # <u>22</u> 63, # <u>23</u> 63-1, # <u>24</u> 65, # <u>25</u> 65-1, # <u>26</u> 66, # <u>27</u> 67, # <u>28</u> 68, # <u>29</u> 68-1, # <u>30</u> 71, # <u>31</u> 71-1, # <u>32</u> 74, #

EXHIBIT A

		<p>33 74-1, # 34 77, # 35 77-1, # 36 77-2, # 37 77-3, # 38 80, # 39 80-1, # 40 80-2, # 41 80-3, # 42 93, # 43 93-1, # 44 95, # 45 95-1, # 46 97, # 47 98, # 48 103, # 49 103-1, # 50 103-2, # 51 103-3, # 52 103-4, # 53 103-5, # 54 103-6, # 55 103-7, # 56 103-8, # 57 103-9, # 58 103-10, # 59 103-11, # 60 103-12, # 61 103-13, # 62 103-14, # 63 103-15, # 64 103-16, # 65 103-17, # 66 103-18, # 67 103-19, # 68 103-20, # 69 103-21, # 70 103-22, # 71 103-23, # 72 103-24, # 73 104, # 74 105, # 75 106, # 76 111, # 77 112, # 78 126, # 79 126-1, # 80 127, # 81 127-1, # 82 131, # 83 137, # 84 137-1, # 85 140, # 86 141, # 87 141-1, # 88 141-2, # 89 141-3, # 90 150, # 91 150-1, # 92 156, # 93 156-1, # 94 161, # 95 161-1, # 96 164, # 97 164-1, # 98 167, # 99 167-1, # 100 169, # 101 170, # 102 170-1, # 103 170-2, # 104 171, # 105 177, # 106 177-1, # 107 179, # 108 179-1, # 109 180, # 110 188, # 111 192) (Bowens, Priscilla) (Entered: 01/29/2015)</p>
01/29/2015	<u>2</u>	<p>In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <i>only if</i> all parties wish to consent. The form may also be accessed at the following link:http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf. You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent <u>unless</u> all parties have signed the consent. (Bowens, Priscilla) (Entered: 01/29/2015)</p>
02/20/2015	<u>3</u>	<p>RESPONSE TO ORDER TO SHOW CAUSE by Eric H. Richmond. (Guzzi, Roseann) (Entered: 02/24/2015)</p>
02/26/2015	<u>4</u>	<p>Letter MOTION to Reassign Case (<i>related appeals</i>) by P.B. #7, LLC. (Attachments: # <u>1</u> Appendix Spreadsheet of cases) (Warmuth, Glenn) (Entered: 02/26/2015)</p>
02/26/2015		<p>ORDER denying <u>4</u> Motion to Reassign Case. So Ordered by Judge William F. Kuntz, II on 2/26/2015. (Kuntz, William) (Entered: 02/26/2015)</p>
03/04/2015	<u>5</u>	<p>Letter dated 2/26/15 from Glenn P. Warmuth to Judge Kuntz and Judge Cogan re: requesting that the appeals be treated as related. (Guzzi, Roseann) (Entered: 03/04/2015)</p>
03/04/2015		<p>ORDER DISMISSING CASE. So Ordered by Judge William F. Kuntz, II on 3/4/2015. (Kuntz, William) (Entered: 03/04/2015)</p>
04/01/2015	<u>6</u>	<p>MOTION for Reconsideration re Order Dismissing Case by Eric H. Richmond. (Lee, Tiffeny) (Entered: 04/08/2015)</p>
04/09/2015	<u>7</u>	<p>AFFIDAVIT/DECLARATION in Opposition re <u>6</u> MOTION for Reconsideration re Order Dismissing Case filed by P.B. #7, LLC. (Warmuth, Glenn) (Entered: 04/09/2015)</p>
04/09/2015	<u>8</u>	<p>CERTIFICATE OF SERVICE by P.B. #7, LLC re <u>7</u> Affidavit in Opposition to Motion (Warmuth, Glenn) (Entered: 04/09/2015)</p>
04/09/2015		<p>ORDER denying <u>6</u> Motion for Reconsideration. So Ordered by Judge William F. Kuntz, II on 4/9/2015. (Bhat, Anjali) (Entered: 04/09/2015)</p>
04/23/2015	<u>9</u>	<p>Request for Case/Index Numbers for All Cases Ever Assigned, at Any Point in Time, to William F. Kuntz or Any Magistrate Reporting at Any Time to William F. Kuntz, filed by Eric Richmond. (Brucella, Michelle) (Entered: 04/28/2015)</p>
05/08/2015	<u>10</u>	<p>Letter dated 5/5/15 from Eric Richmond re: Request for index numbers for all cases ever assigned, at any point in time, to Chief Bankruptcy Justice Carla M. Craig. (Guzzi, Roseann) (Entered: 05/11/2015)</p>
05/08/2015	<u>11</u>	<p>MOTION for Extension of Time to File <i>a Notice of Appeal</i> by Eric H. Richmond.</p>

		(McGee, Mary Ann) (Entered: 05/15/2015)
05/15/2015		ORDER denying <u>11</u> Motion for Extension of Time to File. So Ordered by Judge William F. Kuntz, II on 5/15/2015. (Bhat, Anjali) (Entered: 05/15/2015)
06/12/2015	<u>12</u>	Notice of MOTION for Reconsideration of the Court's 5/15/15 Electronic Order, Denying Appellant's <u>11</u> Motion for an Extension of Time to File a Notice of Appeal; filed by Eric H. Richmond, dated 6/12/2015. W/Attachments: # <u>1</u> Motion to Reconsider Denial of Motion to Extend Time to Appeal Dismissal of Appeal, # <u>2</u> Affirmation in Support of Motion, # <u>3</u> Certificate of Service. (Latka-Mucha, Wieslawa) (Entered: 06/16/2015)
06/16/2015		ORDER denying <u>12</u> Motion for Reconsideration. So Ordered by Judge William F. Kuntz, II on 6/16/2015. (Kuntz, William) (Entered: 06/16/2015)
02/19/2016	<u>13</u>	MOTION to Vacate <i>Dismissal of Appeal</i> by Eric H. Richmond. (Basnight, Jasmine) (Entered: 02/19/2016)
02/23/2016	<u>14</u>	AFFIDAVIT/DECLARATION in Opposition re <u>13</u> MOTION to Vacate <i>Dismissal of Appeal</i> filed by P.B. #7, LLC. (Warmuth, Glenn) (Entered: 02/23/2016)
02/23/2016	<u>15</u>	CERTIFICATE OF SERVICE by P.B. #7, LLC re <u>14</u> Affidavit in Opposition to Motion (Warmuth, Glenn) (Entered: 02/23/2016)
02/24/2016	<u>16</u>	AFFIRMATION IN FURTHER SUPPORT OF MOTION TO VACATE DISMISSAL OF APPEAL. Re <u>13</u> MOTION to Vacate <i>Dismissal of Appeal</i> by Eric H. Richmond (Rodriguez, Lori) (Entered: 02/26/2016)
09/01/2016		ORDER denying <u>13</u> Motion to Vacate. So Ordered by Judge William F. Kuntz, II on 9/1/2016. (Hsieh, Steve) (Entered: 09/01/2016)

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